

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES,

V.

ADAM BENAVIDES,
Defendant.

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A-15-CR-095-SS-ML

ORDER

The United States District Court referred this case to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(3) for a hearing concerning the Unopposed Motion to Substitute Attorney [Dkt. #40] filed by Jorge Sanchez on June 25, 2015, approximately one month after the May 27, 2015 Motion to Substitute Attorney [Dkt. #27] filed by Eve Schatelowitz Alcantar. The Magistrate Court set a hearing on June 30, 2015 to determine the merits of Defendant's second Motion to Substitute Attorney. Defendant, Attorney Sanchez, and Attorney Schatelowitz Alcantar appeared in person and gave testimony regarding the facts underlying both motions to substitute.

Attorney Schatelowitz Alcantar explained she was contacted by the mother of Defendant's child in May of 2015. This woman stated she had been paying for Defendant's legal representation, she was having difficulty communicating with Defendant's counsel of record, Jorge Sanchez, and was seeking new representation for Defendant. At her request, Schatelowitz Alcantar met with Defendant in person at the Bastrop County Jail. Defendant told Schatelowitz Alcantar that he would let her know whether or not he decided to retain her through the woman that had first contacted Schatelowitz Alcantar on his behalf. This woman subsequently contacted Schatelowitz Alcantar, notified her that Defendant wished to retain her,

and paid her fee in full for the entire representation. Schatelowitz Alcantar filed her motion to substitute that same day. She believed she was acting with full authorization from the Defendant and stated for the record that she has no objection to staying on the case or withdrawing from the case, whichever Defendant requests.

Attorney Sanchez explained he had been representing Defendant in state criminal cases related to the currently pending federal charges since December of 2014, and felt he had negotiated a favorable plea in the federal case based on discovery received in the related state proceedings.¹ Sanchez stated that he was not aware Defendant wished to substitute counsel, and believed the substitution was the result of a miscommunication between Sanchez and the mother of Defendant's child regarding timely payment of Defendant's legal fees. Sanchez expressly represented, on the record, that if reinstated as Defendant's counsel, he will represent Defendant through the close of these federal criminal proceedings regardless of any further misunderstandings or disputes regarding payment.

Finally, Defendant stated that he wished to retain Sanchez as his attorney of record. Defendant stated he believed Schatelowitz Alcantar had done a good job representing him, but he felt more comfortable with Sanchez. Defendant stated the affidavit accompanying the most recent Motion to Substitute Counsel [Dkt. #40] is signed by him, and that he is sure he wishes to have Sanchez represent him in the further proceedings in this case.

Based on the testimony of the parties at the hearing,

IT IS ORDERED that the Unopposed Motion to Substitute Attorney [Dkt. #40] is GRANTED.

¹ The referral in this matter was limited to the issue of Adam Benavides' legal representation. The Magistrate Court did not take testimony regarding the Memorandum of Notice: Possible Involuntary Guilty Plea [Dkt. #30] filed by Schatelowitz Alcantar on June 4, 2015, and does not make any recommendation regarding the merits of that filing.

IT IS FURTHER ORDERED that the Clerk's office shall terminate Eve Schatelowitz Alcantar and substitute Jorge Sanchez as counsel of record for Defendant, Adam Benavides, in the above-styled cause.

SIGNED June 30, 2015.



MARK LANE
UNITED STATES MAGISTRATE JUDGE